



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

Game, Fish & Oyster Commission
Austin, Texas

Gentlemen:

Attention: Wm. J. Tucker

Opinion No. O-4795

Re: May more than two collared
peccary or javelinas be kill-
ed and possessed in Webb, Starr
and Zapata Counties at any
time?

From your letter of recent date we quote the follow-
ing:

"Section 1 of House Bill 884, Regular Session 46th Legislature, as amended by House Bill 1109, Regular Session 46th Legislature, and further amended by House Bill 954 Regular Session of the 47th Legislature, declares collared peccary, commonly called javelina, to be a game animal.

"This section provides further that it shall be unlawful to take, capture, shoot, or kill any collared peccary or javelina at any time except during the open season for taking same, which shall be during the period November 16 to January 1 of each year, and it shall be unlawful for any person to take in any one season more than two collared peccary or javelinas.

"Section 1 also provides that it shall be unlawful to possess for the purpose of barter or sale, or to sell or offer for sale, any collared peccary or javelina or any part of the same.

"Section 1a of this statute provides that it shall be lawful to take, capture, shoot, or kill collared peccary or javelina in the Counties of Webb, Starr and Zapata at any time.

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"Please advise us at your earliest convenience whether or not more than two collared peccary or javelinas may be killed and possessed in Webb, Starr, and Zapata counties at any time."
(Emphasis ours)

The legislation referred to in your letter has been printed in Vernon's Annotated Penal Code, as Articles 879g-2, 879g-2a and 879g-3. The amendatory act created a new section and in effect withdrew the protection of the law as to collared peccary or javelina in Webb, Starr and Zapata Counties, with the important exception that such game must not be sold, bartered, taken or possessed for the purpose of sale within such counties. We quote:

"Art. 879g-2a. Provided however, that it shall be lawful to take, capture, shoot, or kill Collared Peccary or Javelina in the counties of Webb, Starr, and Zapata, Texas, at any time, and an open season for Collared Peccary or Javelina in such counties is hereby declared. Provided further, that it shall be unlawful in such counties to have or take any Collared Peccary or Javelina, or any part of the same, in possession for the purpose of barter or sale, or to sell or to offer for sale any Collared Peccary or Javelina, or any part of same, and any person violating the provisions of this Act shall be guilty of a misdemeanor and upon conviction shall be fined in a sum of not less than Ten Dollars (\$10) nor more than Fifty Dollars (\$50), and each Collared Peccary or Javelina, or part thereof, taken or possessed or offered for sale or possessed for the purpose of sale, or sold, in violation of this Act shall constitute a separate offense."

It is our opinion that the bag limit prescribed in the original act does not apply to Webb, Starr and Zapata Counties, but that any number of collared peccary or javelinas may be killed and possessed in such counties, so long as none are sold, bartered, offered for sale or possessed for the purpose of sale, or barter.

Yours very truly

APPROVED SEP 4, 1942

ATTORNEY GENERAL OF TEXAS

Vernon E. Mann
ATTORNEY GENERAL OF TEXAS

By

Benjamin Woodall
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